THE HON'BLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION NO. 14318 OF 1996

Between :

A.Krishna s/o A.Devaiah,
R/o Yenkepalli village, R.R.District.

… Petitioner

And :

Andhra Pradesh State Cooperative
Reural Irrigation Corporation Ltd.,
Rep. by its Managing Director,
Hyderabad and others.

… Respondents

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ORAL ORDER :

The petitioner is aggrieved that the respondents have not promoted him w.e.f the date on which his junior-R3 has been so promoted. He seeks a consequent direction that he be promoted as Office Assistant/Typist with retrospective effect, with all consequential benefits.

The petitioner was appointed as Watchman on 1.4.1985 and his services regularized w.e.f. 11.7.1989. The respondents declared the probation of the petitioner (as Watchman) w.e.f. 10.7.1990, by an order dated 11.4.1993. The petitioner asserts that the next higher avenue for an Attender/Watchman is the

post of Record Assistant, which should be considered on the basis of seniority in the cadre of Attender/Watchman, subject to possessing the requisite educational qualifications viz., a pass in Intermediate. The petitioner asserts that Office Boys and Attenders are equivalent posts and that Attender, Watchman, Office Boy are treated as one cadre for considering for promotion. According to him the 3rd respondent was appointed on 29.1.1986 as Office Boy, though he did not have an Intermediate qualification. He had only passed 8th class and is also junior to the petitioner. However, the respondents promoted him as Record Assistant w.e.f. 23.12.1992.

The petitioner made representations on 21.5.1990 and 7.7.1993 seeking similar treatment. On the basis of the petitioner's representation, it is contended, the 3rd respondent's promotion as Record Assistant was kept in abeyance for some time and later he continued in the promotion post. The petitioner urges that another individual J.Ch.Anjaneyulu, who was appointed as Office Boy on 17.12.1984 and belonging to SC community was directly promoted as Assistant even though he did not possess the requisite qualifications to hold that post. The petitioner asserts that as per the Byelaws, for promotion to the post of Record Assistant one should possess Intermediate qualification.

The petitioner urges that his representation dated 7.7.1993 was referred to a Sub Committee by the respondents. The Sub Committee at its meeting on 6.8.1993 considered the representation of the petitioner and observed that as per the extant rules of the Company there is no channel of promotion to the post of Record Assistant from the substantive post of Watchman. There is only a channel for conversion of Watchman into Attender and therefore J.Nagaraju, the

seniormost eligible Attender was promoted as Record Assistant during November 1992. The Committee recommended that in view of the practical situation, the post of Attender and Watchman be proposed to be treated as one cadre for the purpose of future recruitment pending approval of the Registrar of Cooperative Societies. With regard to the petitioner's grievance, the Committee recommended that his case should be considered subject to the approval by the Commissioner of Cooperation. The petitioner pleads that he was eventually promoted as Record Assistant by an order dated 7.10.1993, by which date he was a Commerce Graduate possessing a Typewriting qualification in the Lower Grade. Though J.Ch.Anjaneyulu and J.Nagaraju were juniors to him they were earlier promoted and he was superseded.

There is no counter affidavit filed by any of the respondents on record. The petitioner has not chosen to place for the perusal of this court the Byelaws of the 1st respondent-Corporation, which he claims govern the conditions of service. There is therefore no material to support the petitioner's claim that the posts of Watchman, Attender and Office Boy are equivalent, belong to one cadre and such combined cadre is the feeder channel for promotion to the post of Record Assistant. There is also neither a pleading nor assertion that the 1st respondent-Corporation is an agency and instrumentality of the State. There is not even a pleading as to the structural architecture of the 1st respondent-Corporation to infer whether the Corporation is an agency or instrumentality of the State.

For the aforesaid reasons, the issue presented in this writ petition does not have an adjudicative disposition. The writ petition is accordingly dismissed. No order as to costs.

Dated: 12.12.2006 ----------

Pvsn/Tsnr Justice G.Raghuram